IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 6411 of 2005

Between:

1 B. Satyavati, W/o. Ramesh Babu,
R/o. Muppavaram Village, J.Pangulur (M),
Prakasam District.
2 B. Ramesh Babu, S/o. Bapanaiah,
R/o. Muppavaram Vill, J.Pangulur (M), Prakasam District.

..... PETITIONERS

AND

1 District Collector, Prakasam District, Ongole.
2 Mandal Revenue Officer, J. Pangulur (M), Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in directing to demolish and vacate petitioners RCC roof building situated inSy.No.18/1 of Reningivaram Village of J. Pangulur Mandal, Prakasam District pursuant to notice, Dt. 15.3.205 issued by the 2nd respondent is illegal, irregular and violative of Art: 14, 21 and 300 A of the constitution of India and also provisions of Land Encroachment Act and consequently direct the respondents not to evict her nor demolish her building.

Counsel for the Petitioners:MR.SATYANARAYANA NIMMAGADDA

Counsel for the Respondent Nos.1 and 2: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

The petitioners claim that they are the absolute owners and possessors of the land to an extent of Ac.1.00 cents situated in Sy.No.18/1 of Reningavaram Village. It is stated that they have constructed the building with five rooms on the said land wherein they have been running small hotel. While so, the second respondent-Mandal Revenue Officer issued a notice under Section 7 of the A.P. Land Encroachment Act, 1905 alleging that the petitioners have encroached upon Ac.0.2½ cents of the Government land and calling upon them to show cause as to why the structures thereon should not be removed and they should not be evicted. Having received the said notice the petitioners approached the second respondent-Mandal Revenue Officer, J.Pangulur Mandal, Prakasam District with an explanation dated 21.03.2005. However, the second respondent refused to receive the said explanation and has been taking steps to dispossess the petitioners high-handedly. Hence, this writ petition.

Having heard learned counsel for petitioners and the learned Government Pleader for Revenue appearing for the respondents and keeping in view the allegation of petitioners that the second respondent has refused to receive the explanation and that no final order under Section 6 of the Act has yet been passed, the writ petition is disposed of granting liberty to the petitioners to submit their explanation within a period of two weeks from today. If any such explanation is submitted within the time specified above, the second respondent-Mandal Revenue Officer shall receive the same and after considering the explanation, pass appropriate orders in accordance with law and communicate the same to the petitioners. Till such time, the respondents are directed not to demolish or dispossess the petitioners from the property in question. No costs.

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25.03.2005

Note: Issue operative portion

by wire at party's cost.

(B/O)

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To

1 The District Collector, Prakasam District, Ongole.
2 The Mandal Revenue Officer, J. Pangulur (M), Prakasam District.

3 2 CD copies.